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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,108	07/30/2001	Eric R. Alling	51134	2604
21874	7590	01/16/2004	EXAMINER	
EDWARDS & ANGELL, LLP P.O. BOX 9169 BOSTON, MA 02209			MELWANI, DINESH	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/918,108

Applicant(s)

ALLING, ERIC R.

Examiner

Dinesh N Melwani

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8,12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Acknowledgment is made of Applicant's submission of:

Amendment A filed on 10/29/03

The aforementioned item has been noted and officially inserted into the application.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, 12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,341,271. Salvo discloses a method and storage medium for managing inventory supply in a network environment comprising: receiving a signal (col. 4, lines 59) from a sensor device (108) at a buyer system, said signal indicating that a minimum level specified for a product used in a manufacturing location has been reached (i.e., the step of deciding and determining if an inventory order is needed, see Abstract), said level measured by an on-hand quantity of said product; receiving a demand note from said buyer system requesting restocking of said product, wherein said demand note was created in response to said signal and includes a requested quantity, see Abstract. Salvo further discloses querying a local inventory database (113) for a supply availability status in response to said demand note (col. 4, lines 59-67); transmitting said demand note to a local inventory system for said restocking of said product

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when said querying a local inventory database indicates that said requested quantities of said product is locally available at said buyer system, wherein said inventory maybe transported to point of use via the on-site transport vehicles. Salvo further discloses the step of querying a vendor inventory system for said supply availability status when said querying a local inventory database indicates that said requested quantity of said product is not locally available at said buyer system (see Abstract and col. 5, lines 1-10); transmitting a purchase order to said vendor inventory system when said querying a vendor inventory system indicates that said requested quantity of said product is available from a storage location associated with said vendor, said purchase order including said product and said requested quantity. Salvo lacks a description of transmitting the purchase order to a factory if supply levels at the vendor are insufficient. It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit a purchase order to a factory (i.e., manufacturer) if the vendor inventory is insufficient, since the examiner takes Official Notice that vendors employ the use of factories to create materials from which to store inventory at a vendor's to be used by various customers of the vendor, and the step of including such purchase order to a factory if the conditions at the vendor's warranted it, would be within the lever of ordinary skill in the art. As it concerns claims 14 and 15, Salvo discloses the use of a tracking system to monitor the progress of the inventory delivery.

### ***Response to Arguments***

3. Applicant's arguments filed 10/29/03 have been fully considered but they are not persuasive.

4. The Applicant contends that the Salvo is only drawn to an invention that “simply detects an amount of inventory,” and fails to disclose a system that determines “whether the amounts of the inventory is less than a predetermined minimum level of the inventory.” The Examiner respectfully disagrees and directs the Applicant’s attention to Salvo’s Abstract and col. 5, lines 1-10. Salvo discloses a control unit that automatically determines if an order for replacement inventory should be placed via preset parameters. Therefore, the Examiner asserts that Salvo discloses the method of managing inventory supply within the meaning of the Applicant’s claims.

5. The Applicant also contends that “Salvo simply discloses that an order is placed to a supplier, but does not teach that the order is transferred to any one of a ‘buyer system’, a ‘vendor inventory system’ and ‘a factory’ based on whether a quantity of the product is sufficient in the ‘buyer system’ or ‘a storage location associated with said vendor’. The Examiner respectfully disagrees and directs the Applicant’s attention to col. 4, lines 59-67 - col. 5, lines 1-10. Salvo discloses that in response to the signals generated by the amount indicators (108), the on-site inventory areas (i.e., warehouse (113)) are queried and an attempt to deliver inventory via on-site transport vehicles to the manufacturing site (103) is made. If inventory levels at both the inventory storage receptacles and the on-site inventory areas are insufficient, the system then automatically queries a vendor (i.e., a supplier, manufacturer, any entity that sells the required inventory - including a factory) via a purchase order. For the purpose of clarification, a “vendor” is defined by the *Merriam-Webster’s Collegiate Dictionary Tenth Edition* as “one that vends (vend - to engage in selling)”.

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6. The Applicant further contends the “Official Notice that vendors employ the use of factories to create materials from which to store inventory at a vendor’s to be used by various customers of the vendor, and the step of including such a purchase order to a factory if the conditions at the vendor’s warranted it, would be within the level of ordinary skill in the art.”

The Applicant’s traverses the Examiner’s assertion of Official Notice and as requested documentary evidence in support of said Official Notice. The Applicant traverses the Official Notice by stating “[i]t would not have been obvious to one of ordinary skill in the art to transmit a purchase order to a factory if the vendor inventory is insufficient as asserted by the Examiner” because the vendor as several other obvious options such as “telling the requestor that the order cannot be filled, suggesting substitute products, and/or trying to find inventory of the product from another source.” The Examiner directs the Applicant’s attention the Abstract of McMenimen (U.S. Pub. No. US 2003/0061123) and ¶86 of Linberg (U.S. Patent No. U.S. Pub. No. US 2003/0047314) which indicated that an order for replacement inventory is placed with the manufacturer (i.e., factory) or owner (i.e., vendor).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Henson (U.S. Patent No. 6,167,383) discloses the present invention substantially as claimed.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM

*J. J. Swann*  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600